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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/798,502	03/10/2004	Avital Barak	Barak=5	6392

7590 04/19/2006

BROWDY AND NEIMARK  
624 NINTH STREET, N.W.  
WASHINGTON, DC 20001

EXAMINER

LAVINDER, JACK W

ART UNIT	PAPER NUMBER
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3677

DATE MAILED: 04/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/798,502

Applicant(s)

BARAK, AVITAL

Examiner

Jack W. Lavinder

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 25-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 25-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. In view of the after final amendment filed on 4/4/06 and a further review of the prior art, the finality of the last office action has been withdrawn and a new grounds of rejection based on Rice in view of Koven has been applied.

#### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 25 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Rice, 5845994 in view of Koven.

Regarding claim 25, Rice discloses a metal mesh pouch with a drawstring (18) for closing the mouth of the pouch (col. 2, lines 29-32 and lines 45-60, col. 4, lines 32-43). The pouch is to be worn as a necklace to hold valuables safely and securely while at the beach, while also functioning as a decorative necklace. Rice discloses that the valuables could be money, such as quarters or dimes. The holes in the mesh would have to be smaller than a dime in order to prevent the dime from falling through the holes in the mesh. Therefore, the concept of the holes in the mesh being smaller than the objects being retained by the pouch is known and disclosed by Rice.

Rice fails to disclose jewels as part of the valuables to be placed in the pouch. Koven discloses a pendant (figures 4-7), which holds valuable jewels (4) having

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different shapes (different visual characteristics), for a necklace. The claim states that the device is a kit. Therefore, there are no requirements that the elements be connected to each other. The only requirement of the kit claim is that the elements be present. In this case, all the elements of the kit are present in Rice in view of Koven. It would have been obvious to a person having ordinary skill in the art to place jewels of different visual characteristics into Rice's pouch in order to make the pendant necklace more appealing and decorative.

4. Claims 26 and 29-31 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Rice in view of Koven, as applied previously, and further in view of Tully, 672499 and Irons, 726166.

Rice in view of Koven fails to disclose a ring on the bottom of the pouch. Tully discloses making a pouch (figure 2) with a ring (1) forming the bottom portion of the pouch. This bottom function equally as well as Rice's knotted bottom or bead crimp bottom in forming the bottom of the pouch to prevent the valuables from falling through the bottom of the pouch. Also, the specification fails to disclose any criticality with regard to the specific formation of the bottom of the pouch. Therefore, it would have been an obvious design choice to a person having ordinary skill in the art to use either type of bottom for forming the bottom of the pouch.

Rice in view of Koven also fails to disclose a plurality of chains interconnected with rings for forming the sides of the pouch. Rice discloses a woven type structure including a series of knotted together strands forming the sidewalls of the pouch. This type of sidewall structure performs equally as well as the claimed sidewall structure in

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preventing the valuables from falling out of the pouch. Irons discloses the claimed sidewall structure (figures 1 and 2): a plurality of chains (C) interconnected together with a plurality of rings (B). Also, the specification fails to disclose any criticality with regard to the type of sidewall structure used to form the sidewalls of the pouch. Therefore, it would have been an obvious design choice to make Rice's sidewall structure from a plurality of interconnected chains.

Regarding claim 29, Rice discloses a necklace support band (26, figure 1).

Regarding claim 30, Rice's band can be placed around the wrist, ankle or over the ear.

Regarding claim 31, Rice discloses strands (24) extending below the bottom knot.

5. Claim 27 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Rice in view of Koven, Tully and Irons, as applied previously, and further in view of Corridon, 3483907.

Regarding claims 27, Rice discloses a plurality of slider rings, i.e., the topmost rings formed in the sidewall structure (38), but fails to disclose slider rings joining the terminal upper ends of the strands to the support band. Corridon discloses a plurality of slider rings (35) joining the terminal upper ends of the strands to the support band (36). The use of the slider rings allows the support band to more freely open and close the opening of the pouch. Therefore, it would have been obvious to a person having ordinary skill in the art to use slider rings in Rice's pouch.

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6. Claim 28 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Rice in view of Koven, Tully, and Irons, as applied previously and further in view of Gilbertson, 1814378.

Regarding claim 28, Rice fails to disclose a safety clasp for engaging two of the slider rings for securing the top of the jewel pouch in a closed position. Gilbertson discloses the use of a safety ping (12) for closing the opening of a pouch. It would have been obvious to a person having ordinary skill in the art to use a safety pin to close Rice's pouch in order to add a secondary safety device to further prevent the dislodgement of the valuables from the pouch.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jack W. Lavinder whose telephone number is 571-272-7119. The examiner can normally be reached on Mon-Friday, 9-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Swann can be reached on 571-272-7075. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jack W Lavinder  
Primary Examiner  
Art Unit 3677

4/17/06